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OK/HAV

Attorney for Defendant
MATTHEW WALLACE SCHACHTER
aka ROBERT LEWIS BROWN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	NO. CR-S-05-59 DFL
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
v.)	CONTINUING MOTION HEARING/STATUS
)	CONFERENCE
MATTHEW WALLACE SCHACHTER,)	
aka Robert Lewis Brown,)	
aka Matthew Rollins; and)	Date: October 20, 2005
LLOYD THOMPSON)	Time: 10:00 a.m.
)	Judge: David F. Levi
Defendants.)	

The United States of America through Robin R. Taylor, Assistant United States Attorney; Lloyd Thompson, by and through his counsel, Dwight M. Samuel; and Matthew Schachter, by and through his counsel, Matthew C. Bockmon, Assistant Federal Defender, agree to vacate the motion hearing/status conference hearing date of September 15, 2005 and continue the matter for further motion hearing/status conference on October 20, 2005, at 10:00 a.m..

Matthew Schachter remains hospitalized at the San Joaquin Hospital. He has been diagnosed with B cell lymphoma. It has not

1 spread to his spine or his brain and according to U.C. Davis oncologist
2 Wellbourne, it is treatable with chemotherapy. Mr. Schachter's first
3 cycle of chemotherapy was begun recently. It is anticipated that he
4 will continue such treatments for approximately 6 months. He has had
5 one testical removed. He has had a tracheotomy. He is on a ventilator
6 at this time and is very weak and unable to breath on his own. He has
7 a large tumor in his abdomen and a clot in one leg. His kidney
8 function is not normal, but it unclear whether it is diseased or not.
9 Although he is alert and awake, he cannot communicate as he cannot talk
10 and is too weak to write. He is being sedated for pain.

11 Additionally, Dwight Samuel, co-counsel for Lloyd Thompson, is in
12 a murder trial and unavailable.

13 In light of the above-facts, the parties, through their respective
14 attorneys hereby stipulate to continue the status conference/motions
15 hearing in this case until October 20, 2005, at 10:00 a.m.

16 IT IS FURTHER STIPULATED that the period from September 15, 2005
17 through and including October 20, 2005 be excluded in computing the
18 time within which trial must commence under the Speedy Trial Act,
19 pursuant to 18 U.S.C. § 3161(h) (4) and Local Code N as Mr. Schachter is

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1 physically unable to stand trial.

2 Dated: September 14, 2005

3 Respectfully submitted,

4 QUIN DENVIR
5 Federal Defender

6 /s/ Matthew C. Bockmon

7 MATTHEW C. BOCKMON
8 Assistant Federal Defender
9 Attorney for Defendant
MATTHEW WALLACE SCHACHTER
aka Robert Lewis Brown

10 /s/ Matthew C. Bockmon for

11 DWIGHT M. SAMUEL
12 Attorney for Defendant
13 LLOYD THOMPSON
per telephonic authorization

14 Dated: September 14, 2005

15 MCGREGOR W. SCOTT
16 United States Attorney


17 /s/ Matthew C. Bockmon for

18 ROBIN TAYLOR
19 Assistant U.S. Attorney
per telephonic authority

20 **O R D E R**

21 IT IS SO ORDERED.

22 Dated: September 15, 2005

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25 DAVID F. LEVI
26 United States District Judge

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